



January 9, 2017

**BY ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: Fixed Wireless Communications Coalition, Inc. Request for Modified  
Coordination Procedures in Bands Shared Between the Fixed Service and the Fixed  
Satellite Service, RM-11778**

Dear Ms. Dortch,

EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC (collectively, and with their affiliates, “EchoStar”) submit these comments in opposition to Fixed Wireless Communications Coalition, Inc.’s (“FWCC”) Petition for Rulemaking in the above referenced proceeding (the “Petition”). The Commission should dismiss or deny the Petition as repetitive and frivolous, as discussed below.<sup>1</sup>

EchoStar operates fixed-satellite service (“FSS”) earth stations using conventional C-band and extended Ku-band spectrum throughout the United States.<sup>2</sup> These operations are heavily dependent on the regulatory flexibility afforded under the Commission’s “full-band, full arc” earth station licensing policy, which enables commercial responsiveness and satellite coordination.

The FWCC Petition is nearly identical to its 1999 request for declaratory ruling,<sup>3</sup> which the Commission ultimately rejected for failing to develop a sufficient record.<sup>4</sup> FWCC has provided no new evidence to bolster its unsubstantiated claims of harm to fixed service (“FS”) providers under existing Commission rules.<sup>5</sup>

As EchoStar demonstrated in its earlier comments, the current “full-band, full-arc” policy is consistent with the continuing practical operational needs of earth stations and satellites.<sup>6</sup> This

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<sup>1</sup> Petitions for rulemaking that are “repetitive, frivolous, or which plainly do not warrant consideration by the Commission may be denied or dismissed.” 47 C.F.R. Section 1.401(e).

<sup>2</sup> The Petition lists the shared frequencies as: 3.7-4.2 GHz, 5.925-6.425 GHz, 10.7-11.7 GHz, and 12.7-13.25 GHz.

<sup>3</sup> Request for Declaratory Ruling and Petition for Rulemaking of the Fixed Wireless Communications Coalition, dated May 5, 1999 (“1999 Petition”)

<sup>4</sup> *FWCC Request for Declaratory Ruling on Partial-Band Licensing of Earth Stations in the Fixed-Satellite Service that Share Terrestrial Spectrum*, Second Report and Order, 17 FCC Rcd 2002 (2002) (“Second Report and Order”).

<sup>5</sup> Petition at 7.

<sup>6</sup> Joint Comments of Hughes Network Systems, Hughes Communications, Inc. and Hughes Communications Galaxy, Inc., IB Docket No. 00-203, January 8, 2001 (“EchoStar Comments”).

policy is intended to give satellite operators the necessary flexibility to permit earth stations to change orientations and frequencies to transmit and receive from various transponders and satellites in response to changes in commercial and operational requirements.<sup>7</sup> Satellite operators make extensive use of this flexibility in operating their earth stations as not all frequencies are available on a satellite for a particular earth station at any given time, and spectrum availability is often dependent on coordination with adjacent orbital satellites.<sup>8</sup> This flexibility also enables satellite operators to respond quickly to changes in space segment configurations and transponder or other equipment failures.<sup>9</sup>

FWCC, on the other hand, has merely resurrected a petition it filed nearly 20 years ago, rehashing outdated arguments without providing new facts to justify its proposed rule changes. FWCC alleges that the “full-band, full-arc” policy forecloses FS use of spectrum shared with FSS operators,<sup>10</sup> but noticeably fails to offer any examples of FSS operators refusing to coordinate, or even of actual attempts by FS operators request coordination in the bands. Indeed, FWCC does not offer examples of demand for services in any particular area that could allow the Commission even to draw an inference that coordination may become an issue over time.

In previously rejecting FWCC’s nearly identical proposal, the Commission suggested that it could reconsider the issue when presented with “new proposals or approaches that could effectively address concerns that have been raised regarding the equitable sharing of the spectrum.”<sup>11</sup> However, the mention of unsubstantiated anecdotes in support of a thinly repackaged petition does not warrant further reconsideration. More importantly, it does not provide a sufficient basis for the Commission to consider changing the established coordination and licensing framework, upon which both satellite and terrestrial operators have long relied in deploy their systems and provide much needed services throughout the country.

Accordingly, the Commission should dismiss this Petition as it merely rehashes an issue that has already been considered and dismissed by the Commission. The Petition, without adding any new evidence or argument to the record, is merely repetitive and a frivolous use of resources, offering no basis for upheaval of established and well-functioning sharing rules for spectrum.

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<sup>7</sup> *EchoStar Comments* at 5.

<sup>8</sup> *Id.* at 6.

<sup>9</sup> *Id.*

<sup>10</sup> *Petition* at 4-5.

<sup>11</sup> *Second Report and Order* at ¶ 13.



Respectfully submitted,

*/s/ Jennifer A. Manner*

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